

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 5:24MJ1007
	)	
Plaintiff,	)	MAGISTRATE JUDGE
	)	AMANDA M. KNAPP
	)	
v.	)	
	)	<u>GOVERNMENT'S SECOND MOTION</u>
CHRISTOPHER MACHAMER,	)	<u>TO EXTEND TIME FOR RETURNING</u>
	)	<u>INDICTMENT</u>
Defendant.		

The United States of America, by and through its counsel, Rebecca C. Lutzko, United States Attorney, and Peter E. Daly, Assistant U.S. Attorney, respectfully moves this Court to extend the time for filing an information or indictment until May 31, 2024, for the reasons set forth in the attached Memorandum.

Respectfully submitted,

REBECCA C. LUTZKO  
United States Attorney

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MEMORANDUM

On January 5, 2024, the United States filed a criminal complaint (Case No. 5:24MJ1007) charging Defendant Christopher Machamer with violations of federal law. ECF at Doc. # 1, PageID 1-10. The defendant appeared before this United States Magistrate Judge on January 8, 2024, after having been arrested pursuant to the complaint. Defendant waived a preliminary hearing. Following a detention hearing on January 9, 2024, Defendant was released on bond pending further proceedings. ECF at Doc. # 10, PageID 28-29; Doc. # 11, PageID 30-33.

Title 18, Section 3161 of the United States Code provides that an “information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges.” 18 U.S.C. § 3161(b). On February 21, 2024, pursuant to the United States’ unopposed motion, the Court extended the time to file an indictment until April 15, 2024.

The government submits that an additional limited extension of the time for filing an information or indictment will serve the ends of justice by affording the parties a meaningful opportunity to explore resolution of the case. It is anticipated that the parties will use the proposed extension of time to ascertain all of the relevant facts, which if accomplished, will serve the interests of justice by potentially rendering grand jury presentation and/or a trial more complete or unnecessary. See United States v. Fields, 39 F.3d 439, 445-46 (3d Cir. 1994) (approving “ends of justice” continuance to allow negotiations to continue). See also United States v. Lewis, 980 F.2d 555 (9th Cir. 1992). If grand jury presentation proves necessary, the proposed extension of time will serve the ends of justice and promote efficiency by allowing the grand jury panel to consider a full panoply of potential charges.

Undersigned government counsel has spoken with Donald Malarcik, counsel for Defendant, concerning this matter, and is advised that the defense has no objection to the proposed continuance. Attorney Malarcik has advised that Defendant will execute a Speedy Trial waiver.

For all of the foregoing reasons, the government, pursuant to 18 U.S.C. § 3161(h)(7)(A), respectfully moves this Court to extend the time for filing an information to May 31, 2024, forty-five (45) days from the date of this motion, and to enter a finding under that section that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

Respectfully submitted,

REBECCA C. LUTZKO  
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